

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:15-CV-451-BO

RAYMOND TARLTON, as guardian ad litem for)
HENRY LEE MCCOLLUM, *et al.*,)

Plaintiffs,)

v.)

KENNETH SEALEY, both individually and in his)
official capacity as Sheriff of Robeson County,)
et al.,)

Defendants.)

ORDER

This cause comes before the Court on a motion by defendants Robert E. Price and Kenneth Sealey to stay all proceedings in light of their intention to file a petition for writ of certiorari to the United States Supreme Court. [DE 305]. Plaintiffs oppose the motion to stay.

DISCUSSION

The Court presumes familiarity with the factual and procedural background of this case. A district court has inherent authority to manage its docket, which includes the authority to stay litigation pending the outcome of a decision by a court of appeals on an issue which would affect or control the outcome in a case before it. *See Ryan v. Gonzales*, 568 U.S. 57, 73 (2013); *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936). When determining whether to stay proceedings, a district court generally considers “(1) the interests of judicial economy; (2) hardship and equity to the moving party if the action is not stayed; and (3) potential prejudice to the non-moving party.” *Johnson v. DePuy Orthopaedics, Inc.*, No. 3:12-CV-2274-JFA, 2012 WL 4538642, at *2 (D.S.C. Oct. 1, 2012) (citation omitted). “The party seeking a stay must justify it by clear and convincing

The moving defendants have failed to demonstrate that a stay is warranted in this case. A further stay of this action would not promote judicial economy nor would it inflict any hardship on defendants Price and Sealey; as plaintiffs note, the Supreme Court grants few petitions for certiorari each year. Rather, the prejudice to the non-moving parties is plain. This matter has been pending for four years and was stayed awaiting a decision by the court of appeals. The matter was returned to this Court on the issuance of the mandate of the court of appeals for trial. The Court is unpersuaded that a stay is necessary, and it denies the motion.

CONCLUSION

For the foregoing reasons, the motion to stay all proceedings [DE 305] is DENIED. The clerk is DIRECTED to refer this matter to the appropriate United States Magistrate Judge to conduct a pretrial conference.

SO ORDERED, this 1 day of October, 2019.


TERRENCE W. BOYLE
CHIEF UNITED STATES DISTRICT JUDGE